

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

MINNIE TERRY

PLAINTIFF

V.

CIVIL ACTION NO. 3:09-CV-139-SA-SAA

LUVATA GRENADA, LLC

DEFENDANT

ORDER

On March 8, 2010, the parties filed their joint stipulation that Plaintiff's ERISA claim, as set forth in Count III of the Complaint, does not present an issue triable by jury. It is this Court's practice to dispose of such claims by cross-motions for summary judgment. The Court has conferred with counsel, and the parties have no objection to such a course of action in this case.

Therefore, Plaintiff's ERISA claim shall be addressed by cross-motions for summary judgment. The parties' deadline for filing said motions shall be concurrent with the dispositive motions deadline set by the Amended Case Management Order [15]: October 7, 2010.

So ordered on this, the 12th day of March, 2010.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE